

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$42,151.00 UNITED STATES
CURRENCY,

\$43,030.00 UNITED STATES
CURRENCY, and

\$57,740.00 UNITED STATES
CURRENCY,

Defendants.

Civil No. 8:20CV 270

COMPLAINT FOR FORFEITURE *IN REM*

The United States of America, for its cause of action against the defendant property, pursuant to Rule G(2) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, states and alleges as follows:

Nature of the Action

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881.

The Defendants *in rem*

2. On February 5, 2020, law enforcement seized \$42,151 U.S. currency from heat sealed packaging inside Priority Mail parcel number 9505512687910027471636, addressed to Ted Lewis 11430 Burbank Blvd #217 North Hollywood CA 91601, which is the same address for a marijuana dispensary, "Ted's Budz."

3. On February 6, 2020, law enforcement seized \$43,040 U.S. currency from in heat sealed packaging inside Priority Mail parcel number 505513477210027360353 addressed to Ted Lewis 11430 Burbank Blvd #217 North Hollywood CA 91601
4. On February 7, 2020, law enforcement seized \$57,740 U.S. currency from in heat sealed packaging inside Priority Mail parcel number 9505510996780028391605 addressed to Ted Lewis 11430 Burbank Blvd #217 North Hollywood CA 91601.
5. The U.S. Marshals Service currently has custody of the Defendant property.

Jurisdiction and Venue

6. This Court has subject matter jurisdiction for an action commenced by the United States pursuant to 28 U.S.C. § 1345, and for an action for forfeiture pursuant to 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action pursuant to 21 U.S.C. § 881.
7. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.
8. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

Basis for the Forfeiture

9. The Defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act, 2) proceeds traceable to such an exchange, or 3)

money, negotiable instruments and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

Factual Basis

10. In October, 2019, when researching packages mailed from Omaha to California, Postal Inspectors discovered a trend of similar packages mailed to Ted Lewis, 11430 Burbank Blvd. #217 North Hollywood CA 91601.
11. A marijuana dispensary, "Ted's Budz," is located at the address of 11430 Burbank Blvd #217 North Hollywood CA 91601.
12. The packages mailed from Omaha to California and addressed to Lewis had similar handwriting and were similar in size, weight and postage.
13. The packages mailed to Lewis were mailed from different Omaha post offices.
14. Two different return addresses were used on the packages: Lewis Residence 5018 N 103rd St. Omaha NE 68134 or Lewis Residence 8807 Q St. Omaha NE 68127.
15. On January 28, 2020, law enforcement learned of a package mailed on January 27, 2020, from Northwest Station Post Office in Omaha NE, with a Priority Mail parcel identification number 9505512687910027471636 (Parcel x1636).
16. Parcel x1636 had a return address of:

Lewis Residence
5018 N 103rd St.
Omaha NE 68134
17. Parcel x1636 was addressed to:

Ted Lewis
11430 Burbank Blvd #217
North Hollywood CA 91601

18. On January 28, 2020, law enforcement learned of another parcel, Priority Mail parcel number 505513477210027360353 (Parcel x0353), mailed on January 27, 2020, from the Boystown Station Post Office in Omaha NE.
19. Parcel x0353 was addressed to Ted Lewis, 11430 Burbank Blvd. #217 North Hollywood CA 91601, with a return address of Lewis Residence 5018 N 103rd St. Omaha NE 68134.
20. On February 29, 2020, law enforcement also learned of a third parcel, Priority Mail parcel number 9505510996780028391605 (Parcel x1605), mailed on January 28, 2020, from the Elmwood Park Post Office in Omaha, NE.
21. Parcel x1605 was addressed to Ted Lewis 11430 Burbank Blvd #217 North Hollywood CA 91601 with the return address of Lewis Residence 5018 N 103rd St. Omaha NE 68134.
22. On January 30, 2020, Inspector James Murcek made a phone call to Ted Lewis.
23. Lewis said he lives at 11430 Burbank Blvd. #217 N. Hollywood, CA.
24. Lewis also told law enforcement that he flew from California to Chicago the prior week with \$80,000 to purchase property.
25. Lewis said that he could not find the right property in Chicago.
26. Lewis said that because he could not find the right property in Chicago, he flew to from Chicago to Omaha to possibly purchase a house.
27. Lewis said he was in Omaha from January 26, 2020 to January 29, 2020.
28. Lewis said he was told he should not fly with the cash so he sent it to his residence (in California).
29. Lewis said that when he flew from Omaha back to California, he did not bring the \$80,000.

30. Lewis said that before flying back to California, he mailed two packages, each containing \$40,000 to himself in California.
31. Inspector Murcek asked Lewis what return address he used and Lewis said he used Lewis Residence, 5018 N 103 St. Omaha, NE, which Lewis claimed is his mother's address.
32. Lewis said he grew up in Omaha before moving to California.
33. Inspector Murcek asked Lewis how many packages he mailed back to himself before leaving, and Lewis said just two.
34. Inspector Murcek asked Lewis where he mailed the packages and Lewis said he mailed one from a post office off 144th St. (Boystown Station) and one off of Military Avenue (Northwest Station).
35. Inspector Murcek asked Lewis why he did not mail them together and Lewis said he was having a bad day, got busy, and did not have time to mail them at the same time.
36. Parcel x1636 was mailed at Northwest Station on January 27, 2020 at 3:24 p.m.
37. Parcel x0353 was mailed from the Boystown Station on January 27, 2020 at 3:47 p.m.
38. Northwest Station is eight (8) miles from Boystown Station.
39. Inspector Murcek asked Lewis how many times he had mailed cash from Omaha to himself in California, and Lewis said just the two packages that he was expecting to be delivered to him in California on January 30, 2020.
40. On February 3, 2020, a canine alerted to the scent of narcotics within Parcel x1636.
41. On February 3, 2020, a canine alerted to the scent of narcotics within Parcel x0353.
42. On February 3, 2020, a canine alerted to the scent of narcotics within Parcel x1605.

43. On February 5, 2020, law enforcement obtained a Federal search warrant for Parcel x1636.
44. On February 5, 2020, law enforcement obtained a Federal search warrant for Parcel x0353.
45. On February 5, 2020, law enforcement obtained a Federal search warrant for Parcel x1605.
46. On February 5, 2020, law enforcement executed the warrant on Parcel x1636.
47. After opening Parcel x1636, law enforcement found currency in heat sealed packaging in the following denominations:

Bill denomination	Count	Total
\$50.00	23	\$1,150
\$20.00	1,691	\$38,820
\$10.00	49	\$490
\$5.00	213	\$1,065
\$1.00	26	\$26

48. Law enforcement seized \$42,151 U.S. currency from Parcel x1636.
49. On February 6, 2020, law enforcement executed the warrant on Parcel x0353.
50. After opening Parcel x0353, law enforcement found currency in heat sealed packaging in the following denominations:

Bill denomination	Count	Total
\$50.00	50	\$2,500
\$20.00	1,992	\$39,840
\$10.00	29	\$290

51. Law enforcement seized \$43,040 U.S. currency from Parcel x0353.

52. On February 7, 2020, law enforcement executed the Federal search warrant on Parcel x1605.
53. Parcel x1605 contained currency in heat sealed packaging in the following denominations:

Bill denomination	Count	Total
\$100.00	73	\$7,300
\$50.00	35	\$1,750
\$20.00	2,413	\$48,260
\$10.00	42	\$420
\$5.00	2	\$10.00

54. Law enforcement seized \$57,740 U.S. currency from Parcel x1605.
55. Law enforcement seized a total of \$142,921.00 U.S. currency from Parcel numbers x1636, x0353 and x1605.
56. On April 13, 2020, the U.S. Postal Inspection Service received a letter with letter head for the Lentz Law Firm, P.C. dated April 9, 2020, wherein Theodore Lewis asserted a claim to the \$42,151, \$43,030 and \$57,740 U.S. currency, "as an owner."

Claim for Relief

57. The United States repeats and incorporates by reference paragraphs 1 through 56 above.
58. Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), which provides for the forfeiture of:

All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

59. By the foregoing and other acts, the defendant property constitutes moneys, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 801, *et seq.*, and therefore, is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6).
60. By the foregoing and other acts, the defendant property constitutes proceeds traceable to an exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 801, *et seq.*, and therefore, is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6).
61. By the foregoing and other acts, the defendant property constitutes moneys, negotiable instruments, and securities used or intended to be used to facilitate a violation of 21 U.S.C. § 801, *et seq.*, and therefore, is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE the United States of America prays the defendant property be proceeded against for forfeiture; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that the defendant property be condemned, as forfeited, to the United States of America and disposed of according to law and regulations; that the costs of this action be assessed against the defendant property; and for such other and further relief as this Court may deem just and equitable.

UNITED STATES OF AMERICA,
Plaintiff

JOSEPH P. KELLY
United States Attorney

By: 

Amy B. Blackburn (MO#48222)
Assistant U.S. Attorney
1620 Dodge Street, Suite 1400
Omaha, NE 68102-1506
Tel: (402) 661-3700
Fax: (402) 345-5724
E-mail: amy.blackburn@usdoj.gov

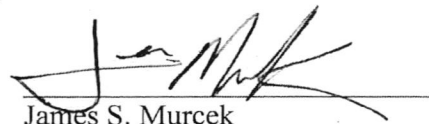
VERIFICATION

I, Postal Inspector James S. Murcek, hereby verify and declare under penalty of perjury that I am a Postal Inspector with the United States Postal Service, that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 9 through 56 of the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Postal Inspector for the United States Postal Service.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated July 7, 2020

A handwritten signature in black ink, appearing to read 'James S. Murcek', is written over a horizontal line.

James S. Murcek
Postal Inspector
United States Postal Inspection Service